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05.12.
2022
Ct. No.17

WPA 17451 of 2022

**Nabakanta Sasmal & Ors.
Vs.
The State of West Bengal & Ors.**

**Mr. S. M. Ali
Sk. Intiaj Uddin
.....For the Petitioners
Mr. Supriyo Chattopadhyay
Mr. Jahar Datta
Mr. Bipin Ghosh
....For the State
Mr. Kishore Dutta, Sr. Advocate
Mr. B. P. Vaisya
Mr. Nilay Baran Mandal
.....For the D. P. S. C., Purulia
Mr. Amales Ray
Ms. Mousumi Bhowal
Mr. Aman Gupta
Mr. Ishan Bhattacharya
....For the Respondent No.8
Mr. Rabindranath Pal
Mr. Koustava Ratan Chatterjee
.....For the D. P. S. C. Jalpaiguri**

In compliance with the direction given by this court, the Chairman of the District Primary School Council, Purulia is present personally. His personal appearance is dispensed with.

The police authority also complied with this court's order and intimated the Respondent Nos. 25 and 26 to be present personally before this court. These two Respondents are present along with one police officer being S. I. of Barabazar Police Station, Purulia. There was no direction for appearance of any

officer for Barabazar Police Station and, therefore, the police officer's personal appearance is not required to be dispensed with.

The main allegation of the petitioners in respect of this case is that Respondent Nos. 25 and 26 did not sit for the written test in 2006 recruitment test but even then they were given the appointment. It is not their case that as the said respondents have been given appointment, the petitioners have been deprived for such appointment.

Therefore, I do not find any real cause of action for the petitioners for assailing the employment of Respondent Nos. 25 and 26. Moreover this matter relates to recruitment test, 2006 and as the matter was carried out up to the Supreme Court and Hon'ble Supreme Court's order was dated 25th January, 2019, the petitioners have filed this writ application on 29th July, 2022 that is nearly after three years. There is a delay which has not been clarified. Moreover from the prayer it is found that the petitioners want reopening of the recruitment starting in 2006. The above points have submitted by Mr. Kishore Dutta, learned senior counsel on behalf of the Respondent being the Chairman, Hooghly District Primary School Council.

Mr. Ali, learned advocate for the petitioners, on the other hand, has conceded that they have not stated that for the two Respondents i.e. Respondent

Nos. 25 and 26, any of the petitioners has been deprived of his service (27 writ petitioners are there). The petitioners also did not file writ applications before 31st December, 2010 which they have admitted also - thus the condition put by the Supreme Court also was not fulfilled.

Therefore, I completely fail to understand as to why the petitioners have come to this court and with which cause of action and against whom. As I am not acting in an advisory capacity, I stop here without making any other comments.

I find that the writ application is wholly meritless and actually in this application some allegations were made against the District Primary School Council and against the Respondents Nos. 25 and 26. Had there been fair submissions, I would not pass an order for personal appearance.

The petitioners have submitted that after receiving the reply to their R. T. I. application they have filed this writ application (Page 53 and 54). This does not make their own case any better as the petitioners did not file any writ application within 31st December, 2010 – a condition put by the Hon'ble Supreme Court.

This case is absolutely frivolous and ill moved.

The writ petition is dismissed with a cost of Rs. 20,000/- to be paid Rs. 5,000/- to the Chairman,

District Primary School Council, Purulia, Rs. 5,000/- each to the Respondent Nos. 25 and 26 and Rs. 5,000/- to the Barabazar Police Station, Purulia through Superintendent of Police, Purulia. Costs are to be paid by 6th January, 2023.

The matter is dismissed.

(Abhijit Gangopadhyay, J.)